

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Miscellaneous 02004

DATE: August 7, 2002

PROPOSAL: To amend Resolution No. PC-00639 for the Sutherland Park 1st Addition Final Plat so that it conforms with the resolution approving the Sutherland Park Preliminary Plat.

CONCLUSION: The resolution approving the Sutherland Park 1st Addition Final Plat mistakenly required sidewalks along both sides of interior streets. The Sutherland Park Preliminary Plat waived sidewalks on the east side of S. 8th Street and the north side of Lowell Avenue. Approval of this revision corrects the error.

<u>RECOMMENDATION:</u>

Approval

GENERAL INFORMATION:

APPLICANT: Michael V. DeKalb, AICP
Interim Director of Planning
555 S. 10th Street, Room 213
Lincoln, NE 68508

CONTACT: Jason Reynolds
Planning Department
555 S. 10th Street, Room 213
Lincoln, NE 68508
(402) 441-7620

BACKGROUND

October 18, 2000 Planning Commission approved the Sutherland Park 1st Addition Final Plat. The resolution erroneously stated that the owner shall pay for "the construction of sidewalks on both sides of interior streets as shown on the final plat."

August 7, 1995 City Council accepted the Sutherland Park Preliminary Plat and waived sidewalks on the east side of S. 8th Street and the north side of Lowell Avenue.

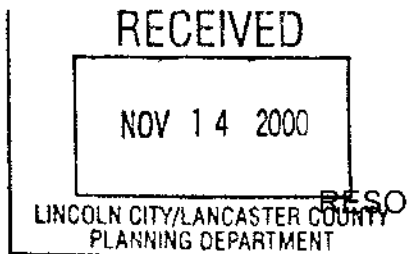
ANALYSIS:

1. The resolution approving the Sutherland Park 1st Addition Final Plat mistakenly required sidewalks along both sides of interior streets. The Sutherland Park Preliminary Plat waived sidewalks on the east side of S. 8th Street and the north side of Lowell Avenue. Approval of this revision corrects the error.
2. Lines 13-16, page 3 of Resolution No. PC-00639 should be amended as follows:

Second: That said owner shall at his own cost and expense pay for all labor, material, engineering, and inspection costs in connection with the construction of sidewalks on both sides of interior streets as shown on the final plat, except on the east side of S. 8th Street and the north side of Lowell Avenue. The construction shall be completed within four years following Planning Commission approval of this final plat.

Prepared by:

Jason Reynolds
Planner



Plan

RESOLUTION NO. PC- 00639

A RESOLUTION accepting and approving the plat designated as **SUTHERLAND PARK FIRST ADDITION** as an addition to the City of Lincoln, filed in the office of the Planning Department of the City of Lincoln, Nebraska, upon certain conditions herein specified and providing for sureties conditioned upon the strict compliance with such conditions.

WHEREAS, **Gary Christensen**, owner of a tract of land legally described as:

Outlot "A", Block 1, Sutherland Park Addition to the City of Lincoln, located in the Southwest Quarter of the Southeast Quarter of Section 2, Township 9 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, and being more particularly described by metes and bounds as follows:

Beginning at a found 5/8" rebar being the southwesterly corner of Outlot "A", Block 1, or the northwesterly corner of Lot 2, Block 1, Sutherland Park Addition to the City of Lincoln, located in the Southwest Quarter of the Southeast Quarter of Section 2, Township 9 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, and also said point is on the west line of the Southwest Quarter of the Southeast Quarter of said Section 2; thence north 01 degrees 43 minutes 32 seconds west, and on the west line of the Southwest Quarter of the Southeast Quarter of said Section 2 and Outlot "A", Block 1 of said Sutherland Park Addition or the easterly line of Lot 94 Irregular Tract of said Section 2, a distance of 620.12 feet to a found 2" pipe being the northwesterly corner of Outlot "A" of said Sutherland Park Addition or the northeasterly corner of Lot 94 or the southeasterly corner of Lot 54 Irregular Tracts and also said point is the west one-sixteenth corner of the Southeast Quarter of said Section 2; thence north 88 degrees 10 minutes 06 seconds east, and on the northerly line of Outlot "A", Block 1 of said Sutherland Park Addition or the southerly line of the Northwest Quarter of the Southeast Quarter of said Section 2, a distance of 663.75 feet to a found 1" pipe being the northeasterly corner of Outlot "A", Block 1 of said Sutherland Park Addition or the northwesterly corner of the remaining portion of Lot 13 Irregular Tract of said Section 2; thence south 01 degrees 44 minutes 29 seconds

1 east, and on the easterly line of Outlot "A", Block 1 of said
2 Sutherland Park Addition or the westerly line of the remaining
3 portion of Lot 13 Irregular Tract of said Section 2, a distance of
4 300.41 feet to a found capped 5/8" rebar being the east-
5 southeasterly corner of Outlot "A" or the northeasterly corner
6 of Lot 1, Block 2, of said Sutherland Park Addition; thence
7 south 88 degrees 12 minutes 10 seconds west, and on the
8 southerly line of Outlot "A", Block 1, or the northerly line of Lot
9 1, Block 2, of said Sutherland Park Addition, a distance of
10 305.58 feet to a set 5/8" x 30" rebar for the northwesterly
11 corner of Lot 1, Block 2, of said Sutherland Park Addition;
12 thence south 01 degrees 43 minutes 25 seconds east, and on
13 the easterly line of Outlot "A", Block 1, or the westerly line of
14 Lot 1, Block 2, of said Sutherland Park Addition, a distance of
15 309.84 feet to a set 5/8" x 30" rebar for the south-southeasterly
16 corner of Outlot "A", Block 1 of said Sutherland Park Addition;
17 thence south 88 degrees 09 minutes 31 seconds west, and on
18 the southerly line of Outlot "A", Block 1, of said Sutherland
19 Park Addition, a distance of 66.00 feet to a set 5/8" x 30" rebar;
20 thence south 01 degrees 43 minutes 25 seconds east, and on
21 the easterly line of Outlot "A", Block 1, of said Sutherland Park
22 Addition or the westerly right-of-way line of South 8th Street,
23 a distance of 10.00 feet to a set 5/8" x 30" rebar for the south-
24 southeasterly corner of Outlot "A", Block 1, or the northeasterly
25 corner of Lot 2, Block 1, of said Sutherland Park Addition;
26 thence south 88 degrees 09 minutes 31 seconds west, and on
27 the southerly line of Outlot "A", Block 1, or the northerly line of
28 Lot 2, Block 1, of said Sutherland Park Addition, a distance of
29 292.24 feet to the point of beginning and containing a
30 calculated area of 313,247.52 square feet or 7.191 acres,
31 more or less;

32 has filed said plat in the office of the Planning Department of the City of Lincoln, Nebraska,
33 with a request for approval and acceptance thereof; and

34 WHEREAS, it is for the convenience of the inhabitants of said City and for
35 the public that said plat be approved and accepted as filed.

36 NOW, THEREFORE, BE IT RESOLVED by the Lincoln City - Lancaster
37 County Planning Commission:

1 1. That the plat of **SUTHERLAND PARK FIRST ADDITION** as an addition
2 to the City of Lincoln, Nebraska, filed in the office of the Planning Department of said City
3 by **Gary Christensen**, as owner, is hereby accepted and approved, and said owner is
4 given the right to plat said **SUTHERLAND PARK FIRST ADDITION** as an addition to said
5 City in accordance therewith. Such acceptance and approval are conditioned upon the
6 following:

7 First: That said owner shall at his own cost and expense pay for all labor,
8 material, engineering, and inspection costs in connection with the construction of street
9 improvements, including the grading, paving, and installation of curb and gutter, curb inlets,
10 and storm drain laterals for all streets as shown on the approved final plat. The
11 construction shall be completed within two years following Planning Commission approval
12 of this final plat.

13 Second: That said owner shall at his own cost and expense pay for all labor,
14 material, engineering, and inspection costs in connection with the construction of sidewalks
15 on both sides of the interior streets as shown on the final plat. The construction shall be
16 completed within four years following Planning Commission approval of this final plat.

17 Third: That said owner shall at his own cost and expense pay for all labor,
18 material, engineering, and inspection costs in connection with the construction of a public
19 water distribution system as shown on the approved preliminary plat. The construction
20 shall be completed within two years following Planning Commission approval of this final
21 plat.

1 Fourth: That said owner shall at his own cost and expense pay for all labor,
2 material, engineering, and inspection costs in connection with the construction of drainage
3 facilities as shown on the revised drainage study. The construction shall be completed
4 within two years following Planning Commission approval of this final plat.

5 Fifth: That said owner shall at his own cost and expense pay for all labor,
6 material, engineering, and inspection costs in connection with the installation of an
7 ornamental street lighting system as required by the preliminary plat for all streets shown
8 on this final plat. The construction shall be completed within two years following Planning
9 Commission approval of this final plat.

10 Sixth: That said owner shall at his own cost and expense pay for all labor,
11 material, and related costs in connection with the installation of street trees as shown on
12 the final plat. The planting shall be completed within four years following Planning
13 Commission approval of this final plat.

14 Seventh: That said owner shall at his own cost and expense pay for all labor,
15 material, and related costs in connection with the installation of street name signs as
16 approved by the Public Works Department. This installation shall be completed within two
17 years following Planning Commission approval of this final plat.

18 Eighth: That said owner shall at his own cost and expense pay for all labor,
19 material, engineering, and inspection costs in connection with the placing of permanent lot
20 stakes at all corners of all lots and blocks of this final plat. The permanent lot staking shall
21 be completed before construction on or conveyance of any lot shown in this final plat.

22 2. That this plat shall not be filed for record or recorded in the Office of the
23 Register of Deeds of Lancaster County and no lot shall be sold from this plat unless and

1 until said owner shall enter into a written agreement with the City which shall provide as
2 follows:

3 The owner, his successors and assigns agree:

4 a. To submit and receive approval from the Director of Public
5 Works a plan showing proposed measures to control sedimentation and erosion and the
6 proposed method to temporarily stabilize all graded land for approval.

7 b. To complete the private improvements shown on the revised
8 preliminary plat.

9 c. To maintain the street trees, landscape screens, and the private
10 improvements on a permanent and continuous basis. However, the owner may be relieved
11 and discharged of this maintenance obligation upon creating in writing a permanent and
12 continuous association of property owners who would be responsible for said permanent
13 and continuous maintenance. The owner shall not be relieved of such maintenance
14 obligation until the document or documents creating said property owners association have
15 been reviewed and approved by the City Attorney and filed of record with the Register of
16 Deeds.

17 d. To submit to the lot buyers and builders a copy of the soil
18 analysis.

19 e. To pay all improvement costs.

20 f. To protect the trees that are to remain on the site during
1 construction and development.

2 g. To comply with the Land Preparation and Grading requirements
3 of the Land Subdivision Ordinance.

1 h. To not object to any future improvement district project in
2 Pioneers Blvd. for curb and gutter and repaving.

3 i. To comply with the provisions of the Land Subdivision
4 Ordinance regarding land preparation.

5 j. To complete the permanent lot and block staking before
6 construction on or conveyance of any lot shown on this final plat.

7 3. That said owner shall, prior to adoption of this resolution, execute and
8 deliver to the City of Lincoln:

9 a. A bond or an approved escrow or security agreement in the
10 sum of \$67,100.00 conditioned upon the strict compliance by said owner with the
11 conditions contained in paragraph designated "First" of Paragraph 1 of this resolution.

12 b. A bond or an approved escrow or security agreement in the
13 sum of \$6,750.00 conditioned upon the strict compliance by said owner with the conditions
14 contained in paragraph designated "Second" of Paragraph 1 of this resolution.

15 c. A bond or an approved escrow or security agreement in the
16 sum of \$19,200.00 conditioned upon the strict compliance by said owner with the
17 conditions contained in paragraph designated "Third" of Paragraph 1 of this resolution.

18 d. A bond or an approved escrow or security agreement in the
19 sum of \$66,100.00 conditioned upon the strict compliance by said owner with the
20 conditions contained in paragraph designated "Fourth" of Paragraph 1 of this resolution.

21 e. A bond or an approved escrow or security agreement in the
22 sum of \$13,000.00 conditioned upon the strict compliance by said owner with the
23 conditions contained in paragraph designated "Fifth" of Paragraph 1 of this resolution.

1 f. A bond or an approved escrow or security agreement in the
2 sum of \$5,940.00 conditioned upon the strict compliance by said owner with the conditions
3 contained in paragraph designated "Sixth" of Paragraph 1 of this resolution.

4 g. A bond or an approved escrow or security agreement in the
5 sum of \$115.00 conditioned upon the strict compliance by said owner with the conditions
6 contained in paragraph designated "Seventh" of Paragraph 1 of this resolution.

7 h. A bond or an approved escrow or security agreement in the
8 sum of \$150.00 conditioned upon the strict compliance by said owner with the conditions
9 contained in paragraph designated "Eighth" of Paragraph 1 of this resolution.

10 The bonds required above shall be subject to approval by the City Attorney.
11 In the event that said owner or his surety shall fail to satisfy the conditions herein set forth
12 within the time specified in this resolution, the City may cause the required work to be
13 performed and recover the cost thereof from said owner and his surety.

14 4. Immediately upon the adoption of this resolution and receipt of the
15 written agreement required herein, the City Clerk shall cause the final plat and a certified
16 copy of this resolution together with said written agreement to be filed in the office of the
17 Register of Deeds of Lancaster County, Nebraska. Filing fees shall be paid by said owner.

18 The foregoing Resolution was approved by the Lincoln City - Lancaster
19 County Planning Commission on this 18th day of October, 2000.

1 Dated this 18 day of October, 2000.

ATTEST:


Chairman

Approved as to Form & Legality:


Chief Assistant City Attorney

RESOLUTION NO. A- 76905

1 WHEREAS, Sutherland Building Supplies, Inc. has submitted the
2 preliminary plat of Sutherland Park for acceptance and approval; and

3 WHEREAS, the Lincoln City - Lancaster County Planning Commission has
4 reviewed said preliminary plat and made recommendations as contained in the
5 letter dated April 19, 1995, which is attached hereto as Exhibit "A".

6 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
7 Lincoln, Nebraska:

8 That the preliminary plat of Sutherland Park, located at 8th and
9 Pioneers Blvd. as submitted by Sutherland Building Supplies, Inc. is hereby
10 accepted and approved, subject to the terms and conditions set forth in Exhibit
11 "A", which is attached hereto and made a part of this resolution as though fully
12 set forth verbatim.

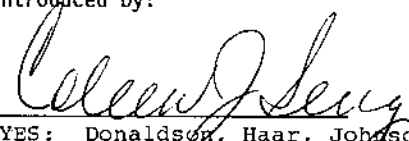
13 BE IT FURTHER RESOLVED that, pursuant to the recommendation of the
14 Public Works Department, a waiver of the requirement that curbing and guttering
15 be installed in Pioneers Boulevard adjacent to this subdivision is granted;
16 provided, however, Sutherland Building Supplies, Inc. and its successors and
17 assigns shall not object to the inclusion of this subdivision within a future
18 repaving district for the repaving of Pioneers Boulevard or to any valid
19 assessment levied thereunder; and

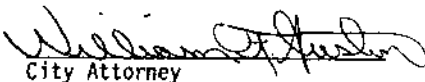
20 BE IT STILL FURTHER RESOLVED that, pursuant to the recommendation of
21 the Public Works Department, a waiver of the requirement that sidewalks be
22 installed on the east side of S. 8th Street and on the north side of Lowell
23 Avenue is granted.

104 7 128

Introduced by:

AS AMENDED:
Approved as to Form & Legality:


AYES: Donaldson, Haar, Johnson,
Seng, Shoecraft, Wilson, Young;
NAYS: None.


City Attorney

Staff Review Completed:


Administrative Assistant

05-15-95 Council Proceedings:

WILSON Moved to Delay Vote on Bill 95R-133 for One Week.
Seconded by Seng and carried by the following vote:
AYES: Donaldson, Haar, Johnson, Seng, Shoecraft, Wilson,
Young; NAYS: None.

5/22/95 Council Proceedings:

YOUNG Moved to continue public hearing for one week to 5/30/95.
Seconded by Wilson & carried by the following vote:
AYES: Donaldson, Haar, Johnson, Seng, Shoecraft, Wilson, Young;
NAYS: None.

05-30-95 Council Proceedings:

YOUNG Moved to Continue Public Hearing for Two More Weeks.
Seconded by Seng and carried by the following vote:
AYES: Donaldson, Haar, Johnson, Seng, Shoecraft, Wilson,
Young; NAYS: None.

6/5/95 Council Proceedings:

SENG Moved to remove Bill 95R-133 from pending for public hearing
on 6/12/95.
Seconded by Wilson & carried by the following vote: AYES:
Donaldson, Haar, Johnson, Seng, Shoecraft, Wilson, Young;
NAYS: None.

06-12-95 Council Proceedings:

SENG Moved to Place Bill 95R-133 on Pending 'til further notice,
(at Attorney's Request)
Seconded by Wilson and carried by the following vote: AYES:
Donaldson, Haar, Johnson, Seng, Shoecraft, Wilson; NAYS: None;
ABSENT: Young.

7/31/95 Council Proceedings:

WILSON Moved to delay vote for one week to 8/7/95.

Seconded by Seng & carried by the following vote: AYES: Donaldson, Johnson, Seng, Shoecraft, Wilson, Young; NAYS: None; ABSENT: Haar.

08-07-95 Council Proceedings:

YOUNG Moved to Amend Bill 95R-133 at Condition 1.1.2 as follows:

1.1.2 Access relinquished to Pioneers Boulevard except at South 8th Street and the existing driveway for Lot One, Block Three. Note that the driveway for Lot One, Block One is to be removed. Additionally, the following language shall be added to the General Notes on the Preliminary and Final Plat:

(a) It is acknowledged that if there is a request for a building permit submitted to the City in connection with Lot 1, Block 3 the continued use of the existing driveway for Lot 1, Block 3 will be reviewed.

(b) The existing driveway for Lot 1, Block 3 shall be removed at owner's expense, if an identifiable accident pattern is identified which is directly attributable to the driveway for Lot 1, Block 3 and the 8th Street and Pioneer Boulevard intersection. An "identifiable accident pattern" is defined as two or more accidents in a twelve month period.

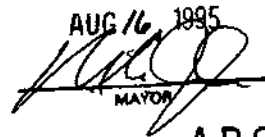
Seconded by Wilson and carried by the following vote: AYES: Donaldson, Haar, Johnson, Seng, Shoecraft, Wilson, Young; NAYS: None.

SENG Moved to Pass Bill 95R-133, as Amended.

Seconded by Wilson and carried by the following vote: AYES: Donaldson, Haar, Johnson, Seng, Shoecraft, Wilson, Young; NAYS: None.

APPROVED

AUG 16 1995

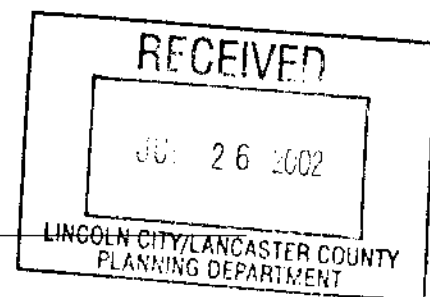

MAYOR

ADOPTED

AUG 7 1995

By City Council

M e m o r a n d u m



To: Ray Hill, Planning Department

From: Charles W. Baker, Public Works and Utilities *BWB*

Subject: Miscellaneous #02004, Amended Resolution No. PC-00639
Sutherland Park 1st Addition

Date: July 26, 2002

cc: Roger Figard
Randy Hoskins
Nicole Fleck-Tooze

The City Engineer's Office of the Department of Public Works and Utilities has reviewed Miscellaneous #02004 for the revision of the requirements of the sidewalks on one side of the roadways of Southwest 8th Street and on Lowell Avenue in Sutherland Park 1st Addition located at Southwest 8th Street and Pioneer Boulevard.

The \$6,750 bond established with the final plat was calculated using only one side of the street. Public Works recommends that this bond requirement remain at \$6,750 for this revision to Resolution No. PC-00639.